

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12cv24

NATIONAL ALLIANCE FOR )  
ACCESSIBILITY, INC., a Florida )  
Non-Profit Corporation; and )  
DENISE PAYNE, individually, )  
Plaintiffs, )  
v. )  
W&K OF ASHEVILLE, LLC, a )  
North Carolina Domestic )  
Corporation, )  
Defendant. )  
----- )

Defendant moved to dismiss the Complaint on March 29, 2012.

Plaintiff's response to this motion was due fourteen days later. See LCvR 7.1(E). On April 5, 2012, Plaintiff requested a thirty day extension of time to respond to Defendant's motion. The Court denied this motion. (Order Denying Mot. Extension Time, Apr. 5, 2012.) Subsequently, Plaintiff filed an untimely response. In addition to being untimely, the response failed to comply with the page requirements of the Local Rules. See LCvR 7.1(D). Plaintiff, who is represented by counsel, did not file a second request for an extension of time or a request for an extension of the page limit. Accordingly, the Court STRIKES the Memorandum in Opposition to Motion to Dismiss [#

14] as well as all the attachments. Plaintiff will not be provided another opportunity to file a response to Defendant's motion.

Signed: April 20, 2012

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

